



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/856,335	05/18/2001	Erich Lugscheider	01-329	7881

7590 08/23/2002

Bachman & LaPointe  
Suite 1201  
900 Chapel Street  
New Haven, CT 06510-2802

EXAMINER

BAREFORD, KATHERINE A

ART UNIT	PAPER NUMBER
----------	--------------

1762

DATE MAILED: 08/23/2002

Please find below and/or attached an Office communication concerning this application or proceeding.



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**

Address: ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

53

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER
----------

ART UNIT	PAPER
----------	-------

11

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

See attached pages

Art Unit: 1762

## DETAILED ACTION

1. The reply filed on August 12, 2002 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): See \*\* below. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

\*\* In the response filed August 12, 2002, applicant canceled claim 12, amended claims 13-21 and 23-27 to make these claims method claims, and added new claims 28-32. Applicant further indicates that in response to the restriction requirement, Group A "drawn to the method, namely claim<sup>s</sup> 1-12, amended claims 13-21, 23-27 and new claims 28-32" is elected.

This response is not fully responsive to the election requirement of April 5, 2002, because applicant appears to have misinterpreted the requirements. The species requirement was that applicant make an election of selected species from a list of species groups. Specifically, three species elections were to be made, one each from Group A, B and C as listed. For example, applicant could elect species a) to claim 2 of Group A (resulting in claims 3-10 being withdrawn from consideration), and species i) to claim 14 of Group B (resulting in claims 15-23 being withdrawn from consideration), and species 2) to claim 25 of Group C (resulting in claims 24 and 26-27 being withdrawn from consideration). Therefore, applicant's election of Group A overall did not meet the species requirement; and the argument that the amended/new claims 13-21, 23-27 and 28-32 were now part of Group A was also incorrect.

Applicant's amendments to the claims have resulted in the following changes to the species requirements listed in the April 5, 2002 restriction:

The species of Group A remain the same

The species of Group B are as follows:

- i) claim 14 pure magnetite
- ii) claims 15, 18, 19, 29 magnetite with metal additions
- iii) claims 16, 18 magnetite with intermetallic additions
- iv) claims 17, 18, 20, 21, 23, 30, 31 magnetite with ceramic additions

The species of Group C are as follows:


- 1) claims 24, 32 powder material with grain size
- 2) claim 25 material in wire form
- 3) claim 26 powder material made by spray drying
- 4) claim 27 powder material made by agglomeration

A single species of A), a single species of B) and a single species of C) must be elected.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Katherine A. Bareford whose telephone number is (703) 308-0078. The examiner can normally be reached on M-F(7:00-4:30) with the First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive P. Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9310 for regular communications and (703) 872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

  
KATHERINE A. BAREFORD  
PRIMARY EXAMINER  
GROUP 1100 / 700